IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.6714 of 2004
&
WPMP No. 7908/04

V.S.Suresh (P O A),
No.17, Poes Road,
II Street, Teynampet,
Chennai-600 018. .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration to declare that the provisions certained in B 111 of Rule 19 and Rule 17 of Annexure XV of Development Control Rules to Tamil Nadu Town and Country Planning Act are ultra vires, unconstitutional, arbitrary and colourable exercise of power and forbear the second respondent from insisting on the payment of security deposit or caution deposit for putting up any construction which are not recognised in law.

For Petitioner : Mr.M.Muthappan

For 1st Respondent : Mr.R.Viduthalai
Advocate General for
Mr.K.Elango, Spl. G.P.,

For 2nd respondent : Mr.J.Ravindran for CMDA.,

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ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

Learned counsel appearing for the petitioner seeks permission to withdraw the above writ petition and has also made an endorsement to that effect. Accordingly permission is granted and the writ petition is dismissed as withdrawn. It is made clear that if need arises, the petitioner is permitted to challenge the provisions of Rule 19 (III-B) and Rule 17 of Annexure XV of Development Control Rules to Tamil Nadu Town and Country Planning Act at the appropriate time. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

1 cc to Mr.M. Muthappan, ADvocate sr 58771

1 cc to Mr.J. Ravindran, Advocate SR 58978

W.P.No.6714 of 2004
28.11.2006

GM(CO)
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